

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NOS. 97-079-C & 97-080-C - ORDER NO. 98-952

DECEMBER 3, 1998

IN RE: <b>Docket No. 97-079-C</b> – Request of United Telephone	)	ORDER
Company of the Carolinas for Approval of Revisions	)	DENYING
to its Access Services Tariff Removing Coin/Pay	)	RECONSIDERATION
Telephone Services as Tariffed Offerings in Response	)	
to FCC Order No. 96-128.	)	
	)	
AND	)	
	)	
	)	
<b>Docket No. 97-080-C</b> – Request of United Telephone	)	
Company of the Carolinas for Approval of Revisions	)	
to its General Subscriber Services Tariff in Response	)	
to the FCC Order No. 96-128 Regarding Payphone	)	
Deregulation.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Reconsideration of our Order No. 98-817 filed by the South Carolina Public Communications Association (SCPCA). For the reasons stated below, the Petition must be denied.

First, SCPCA merely lists the various criteria stated in the judicial review section of the Administrative Procedures Act (APA), S.C. Code Ann. Section 1-23-380 (Supp. 1997), and claims that the Order exhibits all of the potential deficiencies given in the statute. Such non-specificity gives us nothing to review, and this allegation is therefore non-meritorious. In any event, we do not believe that the Order violated any APA standard.


Second, SCPCA states that we erred in adopting and approving United Telephone Company of the Carolinas' (United's or the Company's) rates for the payphone line and associated services. According to SCPCA, our Order adopts a rate standard that has no origin or basis in the Federal Communications Commission (FCC) Orders issued in FCC CC Docket No. 96-128, which therefore results in the Commission committing clear error. Such is not the case. As we stated in Order No. 98-817, in addition to filing the information with this Commission, United also filed with the FCC the same new services test information, supporting calculations, and interstate tariffs with the same proposed rates for these features as the intrastate rates on behalf of itself and all of United's affiliated local telephone companies on May 16, 1997. This filing was approved by the FCC, effective May 31, 1997. Accordingly, the rates must comport with and have their origin and basis in the FCC Orders issued in FCC CC Docket No. 96-128. We discern no error.

Third, SCPCA alleges that FCC Orders require the filing of cost studies by United, and a finding that the cost studies support the approved payphone rates, whatever they are. SCPCA states that, since the Commission did not require the filing of cost studies by United, that the Commission erred. Such is not the case. With the Commission setting the rate standard that it did in this case, no cost studies were necessary, since concerns about the relationship of the Company's rate pricing to cost were alleviated, since United's pricing met FCC standards. We believe that, as with the South Carolina Telephone Coalition (SCTC) companies, our standard insures that all subsidies have been removed, and that the United rates proposed are non-discriminatory.

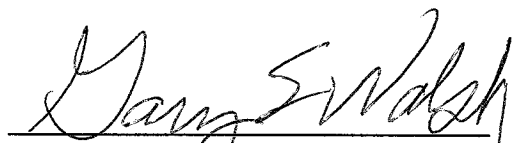
Finally, SCPCA avers that the Commission erred in failing to make a determination as to whether United's filings and rates contained therein were in compliance with the FCC Orders issued in FCC CC Docket No. 96-128. Again, we state that since United's filings were approved by the FCC, the rates contained therein must comport with and, accordingly, be in compliance with the FCC Orders. This final ground submitted by SCPCA is therefore without merit.

Because of the reasoning stated above, the Petition is denied. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)